

CHANGES IN THE VIRGINIA NOTARY PUBLIC LAW

EFFECTIVE JULY 1, 2008

This information is to make you aware of the some of the important changes in the laws pertaining to notaries public that were made by the Virginia General Assembly earlier this year

While the General Assembly established the framework for electronic notarial services, those provisions will not go into effect on July 1, 2008. Virginia law provides the Governor the authority to appoint notaries public. Even though the laws were enacted to provide for persons to be commissioned as electronic notaries public and enable them to perform electronic notarization in Virginia, the Attorney General of Virginia has officially advised that these laws do not authorize any official or office to develop, recognize or enforce any technological standards or requirements relative to electronic notaries public or electronic notarizations. The Virginia Information Technology Authority conducted a risk assessment of proceeding to implement these laws without any technological standards or requirements and concluded that doing so would be inherently prone to fraud and would lead to an overall lack of confidence in electronic notarization in Virginia.

Based on the advice from the Attorney General of Virginia and the Virginia Information Technology Authority, the Governor has determined that commissioning anyone to perform electronic notarization will be postponed until these concerns are remedied by the General Assembly of Virginia.

Here are some important changes in Virginia law that will be effective July 1, 2008:

- You may notarize a document without the notarial certificate being on the same page as the signature(s) being notarized, however the notarial certificate must include the name(s) of each person whose signature is being notarized.
- You must now affix a sharp, legible, permanent, and photographically reproducible image of the official seal near the notary's official signature on the notarial certificate on a paper document.
- Any person who knowingly and willfully misrepresents on an application for commission as a notary that they have not been convicted of any felony under the laws of this Commonwealth, of any other state, or of the United State shall be guilty of a Class 1 misdemeanor.